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# **Lindon City Accessory Apartment Requirements Handbook**

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This handbook has been produced to outline city requirements regarding accessory apartments. Owner occupied accessory apartments are a legal use in all residential zones within Lindon. This booklet outlines the required steps of those constructing a new apartment as well as those seeking approval for an existing unapproved apartment.

There are three primary steps required to have an apartment approval:

1. Submit building and site plans for staff review (refer to the enclosed list of requirements for accessory apartments),
2. The City completes public noticing requirement. If the public believes that the applicant does not meet the application criteria standards listed in the Lindon City Code Section 17.46.100, they may request a review of your plans by the Planning Commission; however, approval is based solely on whether or not the project meets the requirements and not on the opinions of the neighbors or Planning Commission, and
3. Have an inspection performed by a Lindon City building inspector to verify compliance with building and safety codes.

Assuming the proposed (or existing) apartment meets all zoning and building requirements, the approval process will require about 2-3 weeks from the time you submit your application. If the public requests a planning commission review, an additional 2-3 weeks may be required. For those wishing to bring an existing apartment into compliance with city code, any adjustments required for the property to bring it into compliance should be taken into consideration.

If you have any further questions, don't hesitate to call us at 801-785-7687.

Sincerely,

Lindon City Planning Department Staff

# **SUMMARY OF ACCESSORY APARTMENT REQUIREMENTS**

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**(Summary of Section 17.46.100) Accessory Apartments** – This section established requirements and regulations regarding accessory apartments. It is the intent of the R2 Overlay Zone to allow accessory apartments in conjunction with owner occupied single family homes in the residential zone where such single family homes were not approved as part of an R2 Overlay project.

## **1. General Requirements for all Accessory Apartments:**

- a. Location.** Accessory apartments shall be allowed only in conjunction with owner occupied single-family dwellings, but shall not be approved in conjunction with other R2 Overlay projects.
- b. Number of Accessory Apartments.** A maximum number of one (1) accessory apartment shall be allowed in conjunction with each owner occupied single family dwelling.
- c. Parking.** A single family dwelling with an accessory apartment shall provide at least four total off-street parking stalls (2 for the single-family dwelling and 2 for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the two additional required parking stalls for the accessory apartment , or vice versa, unless the garage is sized for more than two vehicles and an accessible route from the garage parking to the accessory apartment can be maintained. No required parking shall be within the front or street-side yard setback. Tandem (end-to-end) parking in a side-yard may be acceptable for the required parking. Parking areas and driveways shall be provided with a dustless, hard surface material such as concrete, asphalt, compacted gravel, masonry, or concrete pavers. A hard surfaced path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls.
- d. Size Restrictions.** The size of an accessory apartment shall be at least three hundred (300) square feet and shall not contain more than three (3) bedrooms.
- e. Building Code.** All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.
- f. Building Entrances.** A single-family dwelling approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing the street where the sole purpose of the entrance is to provide access to the accessory apartment. Entrances to detached accessory apartments shall also not face a street unless the detached accessory apartment is placed behind the primary residence so that the entrance is not substantially visible from the street. The purpose of this requirement is to preserve the single-family residential appearance of the single-family dwelling and/or the detached accessory apartment.
- g. New or existing garages and accessory buildings** substantially attached to the main dwelling by covered walkways, covered breeze ways, and covered porches may include an accessory apartment. In such instances, the garage/accessory building shall not be more than a distance of eighteen feet (18') from the main dwelling unit measured linearly between the foundation lines of the two structures, and the apartment may not exceed 60% of the footprint of the primary

residence livable floor area, but in no case shall it exceed one thousand two hundred (1,200) square feet of maximum livable floor area.

- h. Apartment address.** The address of the accessory apartment shall be clearly posted so as to be seen from the public street.
- i. Ownership:** An accessory apartment shall not be sold separately, or subdivided from the principle dwelling unit, parcel, or lot.

**2. Additional Requirements for Detached Accessory Apartments:**

- a. Height Restrictions.** Detached accessory apartments are limited to two (2) stories above grade with a maximum height not to exceed the height of the primary residence or thirty (30) feet high, whichever is less. Building height is determined by averaging the measurements of the four (4) corners of the structure from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a structure and determining building height.
- b. Setbacks.** A detached accessory apartment must meet the same setbacks as the primary residence for the underlying zone in which it is located, except that it shall be set back at least 10' further from a front-facing façade of the primary residence which faces a street. Detached accessory apartments on the street-side yard of corner lots are only required to be set back 10' further than the front-facing façade of the primary residence. No additional setback applies to street-side yard areas. See Table 17.46B. If a deck is constructed on the second story, the building setback will be measured from the deck.
- c. Size limit.** The detached accessory apartment may be attached to or part of other accessory structures, but in no case shall the maximum livable floor area of the detached accessory apartment exceed fifteen hundred (1,500) square feet or forty (40) percent of the primary residence, whichever is less. The total livable square footage is calculated for both stories and does not apply separately to each story. Stairways for access to the second story shall be constructed on the interior of the accessory apartment. No exterior staircases shall be constructed unless required by building code. If an accessory apartment is connected to or constructed above a garage, the apartment shall have a separate entrance from the garage area.
- d. Exterior design.** Architectural features and roofline of the detached accessory apartment shall be designed and constructed to be compatible with the character and materials used on the exterior of the primary residence.
- e. Utilities.** Except for sewer service, all public and private utility services to the detached accessory apartment shall be provided through utility lines which service the primary residence. Additional utility meters, utility laterals, or secondary service hook-ups are not permitted except as approved by the Chief Building Official and/or the Public Works Director in cases where options to provide utilities through the primary residence service laterals are not feasible or cause significant hardship to the applicant.

**3. Accessory Apartment Permit.** Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain a permit from the City. Before the permit is issued the applicant shall:

- a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, and the location of parking stalls.
  - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed use and other criteria required by the Chief Building Official.
4. The City shall evaluate the permit and shall approve or deny the application based on the criteria as outlined in LCC 17.46.100. If the application meets all requirements, the City shall mail notices to owners of record within 300' of the subject property. This notice shall summarize the nature of the request, give the location of the apartment, list the approval criteria with an indication that the City intends to issue the permit, and inform the property owners that they may request that the accessory apartment application be reviewed by the Planning Commission if they feel that the application does not meet the approval criteria. Any interested party requesting Planning Commission review shall submit a written request to the Planning Commission within fourteen (14) days after the date of the notice received and shall state how the application does not meet the ordinance criteria. If no written request for Planning Commission review is received by the City within 14 days after the date of the notice, the permit for the accessory apartment can be issued.
5. Upon submittal to the Planning Department of a written request for Planning Commission review, the Planning Commission shall hear the item at their next regularly scheduled meeting and shall review the request to determine compliance with the approval criteria as found within LCC 17.46. The Planning Commission shall then approve, continue, or deny the application.
6. Upon issuance of the accessory apartment building permit, the applicant shall pay fees in accordance with the currently adopted Lindon City Fee Schedule.
7. **Affidavit and Agreement Requirements.** The following affidavits and agreements shall be required prior to issuance or final approval of a building permit for an accessory apartment:
  - a. The owner of any single-family dwelling requesting an accessory apartment shall sign an affidavit therein stating that the primary dwelling and/or the accessory apartment on the lot or parcel will be owner occupied. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property; and
  - b. The owner shall provide documents that the accessory apartment rental rates will meet the "moderate income housing" definition as per Utah State Code. On a form approved by the City, a certification regarding the owner's understanding of the moderate income housing requirements and an agreement to abide by said requirements shall be signed by the owner and recorded against the property and shall run with the land and be binding on future successors of the property.
  - c. The provision of subsection b. above shall apply to any accessory apartment which was approved by Lindon City after February 1, 2012.

## **ACCESSORY APARTMENT BUILDING CODE ISSUES**

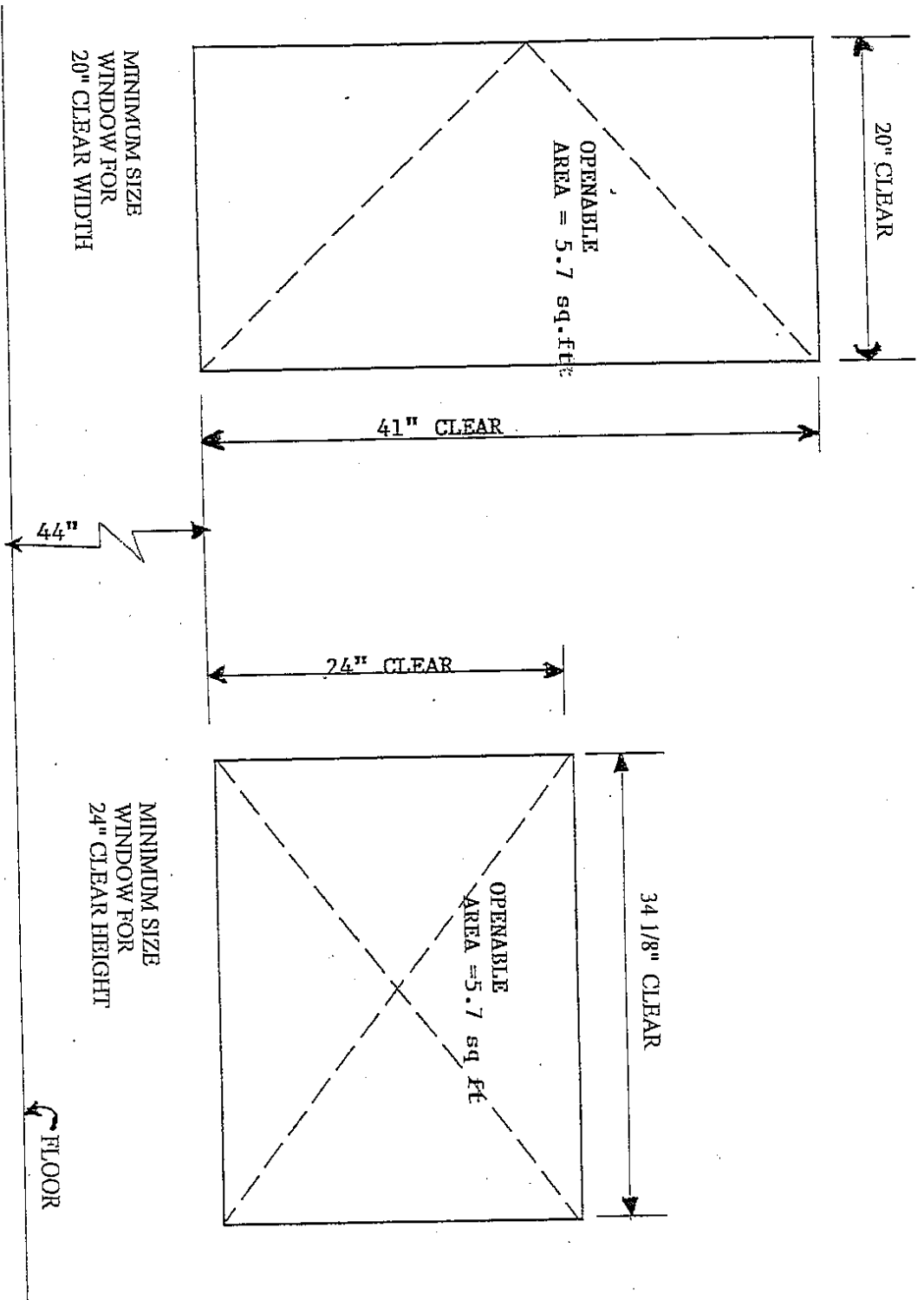
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1. Minimum one entrance 3'-0" x 6'-8" door directly exterior.
2. One egress window in each bedroom (see handout).
3. Smoke detectors in each bedroom and hallway leading to bedrooms on each level.
4. Separate electrical panels (breaker panels). Panel must be located in dwelling unit served.
5. Separate heating and cooling systems. Systems **cannot** be shared or common to other units: including cold air returns. Heating and cooling control devices – thermostats - must be located in unit served. Access to maintain equipment must be located in unit served.
6. One-hour fire separation must be maintained between units (side-to-side or any walls or ceilings common with other dwelling units).
  - a. One-hour fire separation can be several options:
    - i. 5/8" type "X" sheetrock on both side of a common wall
    - ii. Double layer 5/8" type "X" on one side
    - iii. One layer 5/8" type "X" sheetrock on ceiling with plywood sub floor insulated above.

**NO PENETRATIONS FOR PLUMING OR DUCT WORK ARE ALLOWED BETWEEN UNITS.**

\*\*\* Insulations for sound control is a good idea but not required by code.\*\*\*

(Updated 4.18.19)



MINIMUM SIZED RESCUE OR EGRESS  
WINDOWS FROM SLEEPING ROOM

EMERGENCY ESCAPE AND RESCUE WINDOW

# **COST CONSIDERATIONS FOR ACCESSORY APARTMENTS**

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## **Building Permit & Impact Fees**

### **Building Permit**

The building permit fee for any project is determined by the square footage of the project area. For an accessory apartment the fee typically ranges between **\$300 - \$600**.

### **Park, Recreation, and Trails Impact Fee**

Each dwelling unit created in Lindon is charged a one-time Park, Recreation, and Trails Impact Fee. This fee funds installation of new infrastructure to accommodate growth. The fee for an accessory apartment is **\$1,500**.

### **Police and Fire**

Each dwelling unit created in Lindon will be charged a one-time Police services fee of **\$162** and Fire services fee of **\$152**.

## **Moderate Income Housing**

Accessory apartment rental rates must meet the “moderate income housing” definition in the Utah State Code. The rental rates are determined by the Home Program Rents established by the U.S. Department of Housing and Urban Development. Ask Lindon City staff for a handout detailing required rental rates for the current year.